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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,  
Plaintiffs  
and  
United States of America,  
Plaintiff-Intervenor,  
v.  
Tucson Unified School District, et al.,  
Defendants,  
and  
Sidney L. Sutton, et al.,  
Defendants-Intervenors,

No. CV-74-00090-TUC-DCB

Maria Mendoza, et al.,  
Plaintiffs,  
and  
United States of America,  
Plaintiff-Intervenor,  
v.  
Tucson Unified School District, et al.  
Defendants.

No. CV-74-0204-TUC-DCB

**ORDER**

Special Master Report on Magnet Schools

1           On November 15, 2018, the Special Master filed his Report on Magnet Schools,  
2 pursuant to the Court’s directive of September 6, 2018. He does not recommend  
3 removing magnet status from any of the remaining 13 magnet schools at this time. He  
4 does, however, report that five of these schools may not be able to retain magnet status  
5 beyond the current academic year. These schools are Booth-Fickett K-8, Holladay  
6 Elementary, Borton Elementay, Roskruge Bilingual Middle School, and Drachman K-8.  
7 He also noted that Tully Elementary School and Palo Verde High School need to improve  
8 student performance and Tucson High School has an unacceptably high student  
9 achievement gap.

10           The Report is premised on criterion which this Court ordered the Special Master to  
11 develop for the purpose of preparing it to evaluate successful magnet school programs.  
12 Specifically, the Court directed that he assess two factors: integration and academic  
13 quality. Integration is measured pursuant to its definition in the Unitary Status Plan  
14 (USP). The Court directed that academic quality of a magnet school be a measure of the  
15 achievement gap and the school’s student achievement profile. The Special Master  
16 identified five academic quality measurements: 1) the letter grade assigned to the school  
17 by the state; 2) whether the state test scores for African American and Latino students in  
18 a particular school exceed the average test scores for those students in the District; 3) the  
19 size of the achievement gap in mathematics and English language arts (ELA); 4) the  
20 extent to which the school has narrowed or eliminated achievement gaps, and 5)  
21 improvement in passing sores on state tests for African American and Latino students.  
22 When ambiguity exists between overall school performance and achievement gaps, he  
23 will apply other factors which are unspecified in the Report. The Court adopts the  
24 criteria developed by the Special Master and orders that the as yet unspecified “other  
25 factors’ be specified and provided to the District for their use in preparing the 3-Year  
26 Plus Improvement Plan (PIP): CMP, which will be filed with the Court at the end of SY  
27 2018-2019.

28           The Court adopts the recommendations contained in the Special Master’s Report,

1 including his proposed “Next Steps,” except for step 3 which is unnecessary in light of  
2 the Court’s adoption of the academic quality factors developed by the Special Master.

3 **Accordingly,**

4 **IT IS ORDERED** that the recommendations contained in the Report (Doc. 2147)  
5 filed by the Special Master on November 15, 2018, are adopted in their entirety except  
6 for Step 3.

7 **IT IS FURTHER ORDERED** that the District shall provide the Plaintiffs and the  
8 Special Master with detailed Improvement Plans for implementing improvements in the  
9 five schools identified in the Report by December 4, 2018.

10 **IT IS FURTHER ORDERED** that the District shall provide a report on or before  
11 January 15, 2019, to the Plaintiffs and the Special Master on the progress made in  
12 implementing the Improvement Plans in the five magnet schools identified in the Report.

13 **IT IS FURTHER ORDERED** that the Special Master shall issue a preliminary  
14 report to the Parties on February 2, 2019, approving the Improvement Plans, or  
15 identifying further steps the District needs to take and what evidence it needs to present  
16 so that the Special Master can make recommendations to the Court regarding the removal  
17 of magnet status for these five schools. This shall be followed up on a monthly basis  
18 with reports to the Parties about progress the District is making in implementing the  
19 Improvement Plans for the identified schools.

20 **IT IS FURTHER ORDERED** during the spring term in 2019, the Special Master  
21 may recommend to the Court that any particular school shall lose its magnet status if he  
22 believes that it is apparent that the school is making little or no progress in successfully  
23 implementing its Improvement Plan.

24 Dated this 6th day of December, 2018.

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Honorable David C. Bury  
United States District Judge